

## **MINUTES**

### **MONTANA SENATE 58th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES**

**Call to Order:** By **CHAIRMAN BILL TASH**, on March 17, 2003 at 3:20 P.M., in Room 405 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Bill Tash, Chairman (R)  
Sen. Aubyn Curtiss, Vice Chairman (R)  
Sen. Sherm Anderson (R)  
Sen. Gregory D. Barkus (R)  
Sen. Jon Ellingson (D)  
Sen. Rick Laible (R)  
Sen. Bea McCarthy (D)  
Sen. Dan McGee (R)  
Sen. Gary L. Perry (R)  
Sen. Glenn Roush (D)  
Sen. Debbie Shea (D)  
Sen. Ken Toole (D)

**Members Excused:** Sen. Dan McGee (R)

**Members Absent:** None.

**Staff Present:** Krista Lee Evans, Legislative Branch  
Roberta Opel, Committee Secretary

**Video-taped Committee:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. A video-taped recording of the meeting is available from the Montana Historical Society.

**Committee Business Summary:**

Hearing & Date Posted: HB 584, 3/17/2003, HB 467,  
3/17/2003, HB 373, 3/17/2003  
Executive Action: HB 373, HB 437, HB 683, HB 443

**HEARING ON HB 584**

**Opening Statement by Sponsor:** REP. DEBBY BARRETT, HD 34, Dillon, presented HB 584; to eliminate the termination date for controlled allocation of liability act.

**Proponents' Testimony:**

3:23pm Sandi Olsen, Administrator, Remediation Division, MT. Dept. of Environmental Quality (EQC) **EXHIBIT(nas56a01)** and **EXHIBIT(nas56a02)**

3:26pm Ann Hedges, MT. Environmental Information Center (MEIC)

3:30pm Angela Janacaro, MT. Mining Association

3:31pm Ameer Grmoljez, Burlington Northern-Santa Fe (BNSF) Railroad

**Opponents' Testimony:** None

**Questions from Committee Members and Responses:** None

**Closing by Sponsor:**

3:32pm Rep. Barrett closed the Hearing on HB 584.

**Discussion:**

3:33pm Begin

3:34pm End

1 min Elapsed time

**HEARING ON HB 467**

**Opening Statement by Sponsor:** REP. DEBBY BARRETT, HD 34, Dillon, presented HB 467; to clarify process for designating outstanding resource waters(ORW). **EXHIBIT(nas56a03)**

**Proponents' Testimony:**

3:38pm Michael Kakuk, representing Western Environmental Trade Association (WETA)

3:42pm Peggy Trenk, MT. Association of Realtors **EXHIBIT(nas56a04)**

3:47pm Dennis Iverson, MT. Contractors' Association

3:48pm Jon Metropoulos, MT. Water Resources Association

3:39pm Don Allen, WETA

3:53pm Nancy Schlepp, MT. Farm Bureau

3:53pm Gail Abercrombie, MT. Petroleum Association

**Opponents' Testimony:**

3:55pm Stuart Levit, American Wildlands

**EXHIBIT (nas56a05)** and **EXHIBIT (nas56a06)**

4:06pm John Wilson, MT. Trout Unlimited **EXHIBIT (nas56a07)**

4:15pm Robin Cunningham, Fishing Outfitter's Association of MT.

4:16pm Sherm Janke, on behalf of the MT. Chapter of the Sierra Club

4:17pm Candace Durran, representing herself

**Questions from Committee Members and Responses:**

4:18pm Begin

4:43pm End

25 min Elapsed time

**Closing by Sponsor:**

4:43pm **REP. BARRETT** closed the hearing on HB 467.

**HEARING ON HB 373**

**Opening Statement by Sponsor:** **REP. ALAN OLSON, HD 8**, opened the hearing on HB 373; revise the strip and underground mine reclamation act.

**Proponents' Testimony:**

4:51pm Dave Simpson, MT. Coal Council **EXHIBIT (nas56a08)**

4:53pm Hugh Broadus, rancher, Rosebud Valley

5:03pm Jim Mockler, MT. Coal Council

5:05pm Bob Pavlovich, IPEW 233

5:05pm Don Allen, WETA

5:02pm Tom Figarelle, representing Forward, MT.

**Opponents' Testimony:**

5:07pm Ellen Pfister, on behalf of Northern Plains Resource Council (NPRC) **EXHIBIT (nas56a09)** and **EXHIBIT (nas56a10)**

5:12pm Jeff Barber, MEIC

5:20pm Gene Fenderson, MT. Progressive Labor Caucus

5:21pm Don Judge, representing MT. Chapter of the Sierra Club

**Informational Testimony and Witnesses:**

5:25pm Jan Sensibaugh, Director, MT. Dept. of EQC

5:45pm John North, Chief Legal Council, Dept. of EQC

**Questions from Committee Members and Responses:**

5:26pm Begin  
5:51pm End  
25 min Elapsed time

**Closing by Sponsor:**

5:52pm **SEN. OLSON** closed the hearing on HB 373. **EXHIBIT**(nas56a11)

**EXECUTIVE ACTION ON HB 373**

**Motion:** **SEN. RICK LAIBLE** moved HB 373 BE CONCURRED IN. Motion carried 10-2 with SENATORS JON ELLINGSON AND KEN TOOLE voting no.

**Discussion:**

5:57pm Begin  
5:58pm End  
1 min Elapsed time

**EXECUTIVE ACTION ON HB 437**

**Motion:** Motion by **SEN. BEA MCCARTHY** moved HB 437 BE CONCURRED IN and moved AMENDMENT HB043706.ak1. **EXHIBIT**(nas56a12)

**Discussion:**

6:00pm Begin  
6:05pm End  
5min Elapsed time

**Vote:** Motion by **SEN. MCCARTHY** HB 437 BE CONCURRED IN carried unanimously.

**Motion:** Motion by **SEN. DEBBIE SHEA** to adopt AMENDMENT HB043705.ak1 **EXHIBIT**(nas56a13)

**Discussion:**

6:11pm Begin  
6:16pm End  
5 min Elapsed time

**Vote:** Motion carried 10-2 with SENATORS ELLINGSON and TOOLE voting no on AMENDMENT HB043705.

**Motion/Vote:** SEN. MCCARTHY moved HB 437 AS AMENDED AS AMENDED with SENATORS TOOLE and ELLINGSON voting no.

**EXECUTIVE ACTION ON HB 683**

**Motion:** SEN. GARY PERRY moved HB 683 BE CONCURRED IN.

**Discussion:**

6:19pm Begin

6:30pm End

2 min Elapsed time

**Vote:** Motion HB 683 BE CONCURRED IN carried 9-3 with SENATORS ELLINGSON, TOOLE and ROUSH voting no.

**EXECUTIVE ACTION ON HB 443**

**Motion/Vote:** SEN. MCGEE moved HB 443 BE CONCURRED IN.

**Discussion:**

6:32pm Begin

6:38pm End

7 min Elapsed time

**Informational Witnesses and Testimony:**

6:38pm Begin (John North, Chief Legal Counsel, MT. Dept. of EQC)

6:41pm End

3 min Elapsed time

**Vote:** Motion HB 443 BE CONCURRED IN carried 10-2 with SENATORS ELLINGSON and TOOLE voting no.

**ADJOURNMENT**

Adjournment: 6:52 P.M.

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SEN. BILL TASH, Chairman

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ROBERTA OPEL, Secretary

BT/RO

**EXHIBIT** (nas56aad)